IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE NINETH DAY OF APRIL
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.7143 of 2007

Between:

M/s.The Co-operative Electric Supply Society Ltd., Sirsilla.

..... PETITIONER

AND

1.The Appellate Deputy Commissioner of Commercial Taxes, Warangal and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.7143 of 2007

ORDER: ***(Per Hon'ble Sri Justice Bilal Nazki,)***

Heard the learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The appeal filed by the petitioner has been rejected by the first respondent on 29-11-2006 on the ground that the institution fee of Rs.1,000/- was not paid. The said order of rejection of the appeal was communicated to the petitioner admittedly on 6th January, 2007.

The learned Counsel for the petitioner submits that the petitioner had deposited the institution fee of Rs.1,000/- on 30th December, 2006 *i.e.,* one month after the appeal had been dismissed by the first respondent. Since the appeal had been dismissed on the ground that the institution fee of Rs.1,000/- was not paid, which, however, had been paid before the order of rejection was communicated to the petitioner, we feel that the interest of justice would demand that the appeal should be restored, heard and decided on merits.

In this view of the matter, we allow the Writ Petition, quash the order dated 29-11-2006 passed by the first respondent-appellate Deputy Commissioner and direct the first respondent to consider and dispose of the appeal on merits. No costs.

(Bilal Nazki, J)

9th April, 2007

(Nooty Ramamohana Rao, J)

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